

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 76479-M of 2006

DATE OF DECISION : 01.02.2007

Pal Singh alias Pali

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. Baljit Mann, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Mr. Rajesh Bhateja, Advocate,
for the complainant.

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This is second petition filed by Pal Singh alias Pali under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 162 dated 9.5.2005 under Sections 302/307/324/323/326/201/148/149 IPC and 25/27/54/59 of the Arms Act, registered at Police Station Sadar, Muktsar. The earlier petition was dismissed by this court on 23.2.2006.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 24.8.2005, passed by Additional Sessions Judge, Muktsar, whereby bail to the petitioner has been declined.

Counsel for the petitioner contends that as far as petitioner Pal Singh alias Pali is concerned, he has not attributed any injury to deceased Balkaran Singh. As per the prosecution version, he is only attributed injuries to complainant Baltej Singh and injured Balraj Singh i.e. two dang blows to Baltej Singh and three dang blows to Balraj Singh. Counsel

contends that all these injuries are by blunt weapon and have been found simple in nature. She further contends that co-accused of the petitioner, namely Sarbjit Singh, who is alleged to have given an injury by gandasa on the body of the deceased, but as per the medical evidence, the said injury was not found on the body of the deceased, and he is also attributed injury to the witness Gurcharan Singh, has been granted bail by this court in Crl. Misc. No. 57422-M of 2006. Counsel contends that case of the petitioner is similar to the case of co-accused Sarbjit Singh. This factual position has not been disputed by the State Counsel and counsel for the complainant.

The petitioner is in custody since 16.5.2005 and it is stated that till date, out of 29 prosecution witnesses, only three have been examined. The trial is not likely to conclude soon.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

February 01, 2007
ndj

(SATISH KUMAR MITTAL)
JUDGE